

No. 17-35105

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

STATE OF WASHINGTON, et al.,
Plaintiffs-Appellees,

v.

DONALD TRUMP, President of the United States, et al.,
Defendant-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*
LAW PROFESSORS AND CLINICIANS
IN SUPPORT OF PLAINTIFFS-APPELLEES**

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Undersigned law professors and law school clinicians respectfully move this Court for permission to file a brief *amici curiae* opposing the motion to stay the Temporary Restraining Order (TRO) issued by the U.S. District Court for the Western District of Washington. In support of this motion, proposed *amici* state as follows:

1. All parties have consented to the filing of this *amici* brief. Under Fed. R. App. P. 29(a)(2), a motion for leave to file an amicus brief is not required when all parties have consent to its filing. However, since that Rule applies to cases being decided on the merits and this case involved an emergency motion to stay a TRO, proposed *amici* file this motion in an abundance of caution.
2. Proposed *amici* are law professors and clinicians at institutions of higher education who have personal, professional, and academic connections to students, researchers, faculty, and staff from all over the world.
3. Law professors and clinicians have had first-hand experience with international students and faculty who have sought their direct assistance with immigration issues resulting from the President's Executive Order 13769 (EO).
4. Law school clinicians, in particular, have worked hard in a climate of sudden chaos and confusion to assist international students and faculty

- detained at airports and stranded abroad after participating in conferences, giving talks, or engaging in research.
5. We have also helped students and faculty navigate concerns about the impact of the revocation of their visas on their studies and employment, including the risk of being placed in removal proceedings.
 6. In addition, we have scrambled to assist numerous noncitizens not affiliated with universities who have similarly been adversely affected by the EO.
 7. Proposed *amici* have first-hand knowledge of the irreparable harm that the EO inflicts on international students and researchers with nonimmigrant visas, which is one of the critical issues before the Court.
 8. Many of proposed *amici* are also immigration scholars and clinicians with deep knowledge of immigration law and have collectively produced extensive scholarship about all aspects of immigration law, including the constitutional and statutory rights of nonimmigrants. They are therefore well-positioned to assess the likelihood of success on the merits, another important issue before the Court.
 9. Proposed *amici* are vitally interested in protecting the rights of their students, colleagues, and clients, whose status in the United States is jeopardized by the EO.

For the foregoing reasons, proposed *amici* respectfully request permission to file the proposed brief *amici curiae* in support of Plaintiffs-Appellees.

DATED: February 5, 2017

Respectfully submitted,

/s/ Fatma E. Marouf

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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2017, I electronically filed the foregoing with the Clerk of the court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

DATED: February 5, 2017

Respectfully submitted,

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